

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BOMET

MISCELLANEOUS CIVIL APPLICATION NO. E004 OF 2026

IN THE MATTER OF AN APPLICATION TO TRANSFER SOTIK

SUCCESSION CAUSE NUMBER E001 OF 2023

COLLINS KIRUI APPLICANT

VS

**MICHAEL KIRUI
RESPONDENT**

R U L I N G

1. Through the Notice of Motion Application dated 23rd January 2026, the Applicant sought to have Sotik Magistrate's Court Succession Cause Number E001 of 2023 be transferred to this court for hearing and determination.

2. It was the Applicant's case that value of the deceased's (James Kipkirui Leitich) estate was more than twenty million Kenyan Shillings and was beyond the pecuniary jurisdiction of the subordinate court. It was the Applicant's further case that the deceased was survived by two households which included 14 beneficiaries.

3. The Applicant stated that he was the Administrator of the deceased's estate and the confirmation of the Grant was challenged by the Respondent who challenged the mode of distribution and the subordinate court's pecuniary jurisdiction. That upon reviewing the valuation report, he acknowledged that the pecuniary jurisdiction was beyond the subordinate court.

4. There was no response from the Respondent. The Applicant filed an Affidavit of Service dated 18th February 2026 where he stated that the Respondent was served with the Application on 12th February 2026. I am satisfied that the

Respondent was properly served but failed to enter an appearance and file a Response.

5. I have gone through the pleadings and I have noted that the Applicant attached a valuation report dated 9th April 2025 on KERICHO/MOGOGSIEK/1473 which was one of the properties that formed part of the deceased's estate. The report stated that the subject land was valued at Kshs 21,898,000/= which was more than the pecuniary jurisdiction of the subordinate court which is capped at 20 million Kenyan Sillings.

6. Flowing from the above, the Notice of Motion Application dated 23rd January 2026 is allowed.

Ruling delivered, dated and signed at Bomet this 30th Day of April, 2026.

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HON. JULIUS K. NG'ARNG'AR

JUDGE

**Ruling Delivered in the presence of;
Susan/Siele Court Assistant**

Petitioner - present

Respondent - absent

ORIGINAL